



Series: Operating Procedures **COA:** NA
CFOP: 175-72

Procedure Name: New Children in Families with Active Investigations or Case Services or where Involuntary Termination of Parental Rights (TPR) Has occurred in the past

Procedure Number: OP-1072
Revision #/Date: (1) 09/02/08
Effective Date: 04/15/05

Applicable to: All CBCB Staff and Contract Providers

SUBJECT: New Children in Families with Active Investigations or Case Services or where Involuntary Termination of Parental Rights (TPR) has occurred in the past.

PURPOSE: To establish the measures which shall be taken by CBC of Brevard to ensure the safety of a child born into a family pending an investigation, or any other circumstance involving a new child who is living in the home where all other children are currently in out-of-home foster care or relative placements under active supervision, or are under in-home protective supervision (including voluntary), or foster care post-placement supervision.

PROCEDURE: This procedure is to recognize family relationships, enhance family preservation and stability, and recognize that permanency in the best interests of the child can be achieved through a variety of options.

References

Section 65C-30.016 Florida Administrative Code
CFOP 175-72

Definition

- a. "Designee" means a person, contractual provider or other agency or entity named by the department and/or CBC of Brevard to perform duties assigned by the department and/or CBC of Brevard.
- b. "Children's Legal Services" mean attorneys of the department or designees.

Hotline Responsibilities:

- a. If the Hotline receives information alleging one of the following situations, a threatened harm report shall be taken and referred to the appropriate district or designee for investigation.

- (1) A parent or caretaker, with children presently in substitute care, has a new child age zero to five years of age living in the home.
 - (2) A parent or caretaker has a new child age zero to five years of age living in the home after previously having parental rights involuntarily terminated for other children, or after voluntarily surrendering parental rights during previous Termination of Parental Rights proceedings.
- b. The report will be assigned an immediate response priority.

Protective Investigations:

- a. A report alleging that a parent or caretaker who meets the criteria listed above will be investigated in accordance with operating procedure CFOP 175-21.
- b. All children, including any child born while the family is under protective investigation, shall be added to the open report.
- c. The protective investigator shall be responsible for assessing the safety of all children in the home, including the new child (whether in the home or newborn still in the hospital), taking any emergency action deemed necessary, and, when applicable, in consultation with the unit supervisor and Children Legal Services attorney, determining whether to initiate court action, offer voluntary services, or close the case with no ongoing services.
- d. If a child is born into a family where a petition of dependency is pending or active, the Children Legal Services attorney shall immediately be given written notice of the birth by the investigator, including the child's full name, date of birth, and father's name, if different from the father(s) already named. The child welfare attorney shall amend any pending petition or file another petition to bring the new child to the court's attention.
- e. If the other children have already been removed from the home as a result of the current investigation and risk assessment, the new child shall also be removed (or, if necessary, taken into custody at the hospital) and placed with relatives, in licensed shelter care, or held on shelter status in the hospital pending a hearing within 24 hours, unless one or more of the following factors are present, reviewed and approved by the unit supervisor and clearly documented in the case file:
 - (1) The family is in a situational crisis which is clearly well on the way to resolution due to ongoing provision of intensive services by CBC of Brevard.
 - (2) The risk which necessitated the removal of the other children has been ameliorated (e.g., the perpetrator is no longer in the home) and clearly presents no further risk.
 - (3) Some other situation exists which ameliorates risk to the new child, as determined through a Family Team Conference facilitated by the Care Coordinator for the other children. The approval of this type of exception must be documented in the case file. In all such cases the court shall be notified of the decision.

- f. The circuit guardian ad litem program, if appointed, shall be notified of the new child and any removal.
- g. The new child shall also be registered on the FSFN as a member of the family receiving services, and services pertaining to the new child shall be added to the case plan.

Out-Of-Home Foster Care and Protective Supervision Services (Relative) Placements, In-Home Protective Supervision Services Cases, and Foster Care Post-Placement Supervision Cases.

- a. The assigned care manager shall immediately report to the supervisor a pending birth, a child born into a family, or any other circumstance involving a new child who is living in the home where all other children are currently in out-of-home foster care or relative placements under active supervision, or are under in-home protective supervision (including voluntary), or foster care post-placement supervision.
- b. The current assigned care manager shall visit the home and conduct an assessment to determine the immediate safety of the child in the home. A Multidisciplinary Staffing must be requested by the care manager. Mandatory invites to the Multidisciplinary Staffing include; assigned care manager, supervisor, Case Management Agency Program Director, Child Legal Services, Child Protective Investigator, if assigned; Child Protective Investigator Supervisor, if assigned; and Guardian Ad Litem if assigned. The Multidisciplinary Staffing will review the potential effect the addition of the new child may have on the family's current ability to handle stress, whether the new child needs to be sheltered, and any needed changes to the current case plan. Finally, the assigned care manager and supervisor shall determine, in consultation with the Children Legal Services attorney, whether further legal action, such as filing of a supplemental dependency petition, needs to be taken. If the Children Legal Services attorney concludes that there is not legal sufficiency to file a petition, the attorney shall document this conclusion and provide it to the supervisor who shall retain the recommendation in the case file.
- c. If the initial decision is to leave the new child in the home even though other children in the home are currently placed in out-of-home care, the written approval from the Case Management Agency Program Director must be obtained and documented in the case file. This approval will be forwarded to the Chief Operations Officer. A copy of the written approval will be sent by the Chief Operations Officer to the Chief Executive Officer.
- d. A Family Team Conference will be conducted to engage and support the family with the decision. All information will be documented during the Family Team Conference and retained in the case file.
- e. In all cases, the new child shall be registered on FSFN as a member of the family receiving services, and the court and the circuit guardian ad litem program (if appointed) *shall be notified*.

Cases Involving a Child Born to a Child in Foster Care

- a. The minor child in foster care who gives birth while living in a foster home shall be provided a Family Team Conference with appropriate staff, including adoptions staff and service providers, to assist her in arriving at a suitable and realistic plan for her own future and for that of her baby and in making the choice whether to keep and care for her child or relinquish the child for adoptive placement.
 - (1) If the mother decides to place the child for adoption, she shall be referred to a licensed child-placing agency for adoption planning with agency staff.
 - (2) If the mother chooses to keep her child or is uncertain, placement of the mother and her child shall be, unless contrary to the best interests of the infant, in the same foster home or residential program in order to strengthen attachment and provide the mother with the opportunity to learn child-caring skills from the foster mother or residential program staff. In cases where the mother's emotional or mental capacity to parent are in question or the mother has a juvenile delinquency history involving acts of violence, the care manager shall secure a psychological evaluation of the mother to assess coping skills, mental health issues and abilities to parent. The findings and recommendations set forth in the evaluation shall be considered in determining whether or not the mother can be a safe, viable placement for the child.
- b. In all cases, diligent efforts must be made to establish the child's paternity and to locate and involve the father in developing permanency plans.
- c. The case shall be reported to law enforcement if there is reason to suspect the child was impregnated as a result of a forceful act or by someone over the age of 18 years. It is the responsibility of law enforcement, working with the state attorney, to determine if a crime has been committed.

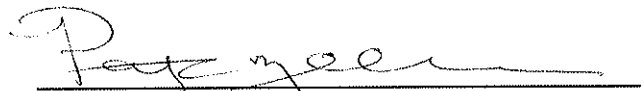
NOTE: See sections 794.011, 794.05, 800.04 F.S. and 827.04, F.S.

- d. If the care manager believes that, despite the mother's age, a voluntary placement agreement is appropriate, the case shall be staffed with the Case Management Agency Program Director. Voluntary services shall not be offered without concurrence from the Case Management Agency Program Director, and that concurrence or disagreement must be documented in the case file.
- e. If the mother refuses to enter into a voluntary agreement, and has not evidenced sufficient maturity and stability to provide for the child, the care manager shall request the Children Legal Services attorney to file a dependency petition in regard to the baby (on grounds of threatened harm or that there is no parent, legal custodian, or responsible adult relative to provide supervision and care, pursuant to s. 39.01(15)(e), F.S., with notice to the father if known. The dependency petition shall include a request for appointment of counsel for the mother, and appointment of a guardian ad litem for the infant. CBC of Brevard shall request that the infant be placed with the mother in foster care unless such placement is determined not to be in the best interest of the infant.

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- f. If an abuse report is accepted at the abuse hotline on the child, it shall be the responsibility of the protective investigator to assess the situation, ensure immediate child safety and assist in case work decisions.
- g. In all cases where the child remains with the mother, the care manager shall register the newborn on FSFN as a foster care client, and shall notify the court and the guardian ad litem program, if appointed, of the birth.
- h. Case Plans with young mothers in foster care must focus on school attendance, skills training and counseling which will enable the mother to make appropriate decisions for the child. The mother shall be referred for family planning and any other needed health services, and the case plan shall also include any necessary medical and other services pertaining to the infant. Depending on the age of the mother, tasks shall include parenting classes, vocational training, money management and any other relevant tasks which will assist in preparing the young mother for living on her own with her child. The case plan must also address any judicial determinations made in regard to the mother and her child.
- j. The goal of the Case Plan shall be determined through a multidisciplinary staffing with attendees from the Case Management Agency, the mother, her birth parents (unless termination of parental rights has occurred or it is not in the best interest of the mother) and foster parents, the guardian ad litem, if appointed, and any other parties deemed appropriate by the counselor or invited by the mother. A report of the multidisciplinary staff meeting shall be signed by all parties participating and placed in the case file.

BY DIRECTION OF THE CHIEF EXECUTIVE
OFFICER:



DR. PATRICIA NELLIUS-GUTHRIE
Chief Executive Officer
CBC of Brevard, Inc.

APPROVAL DATE: 3/19/09